

Minutes for Zoning Board of Adjustment October 25, 2007

Roll Call

Present for the hearing were Chairman Landers, Vice Chairman Donahue, Smith, Hoffman, and Aseltine. Michele Braun was present as Clerk. Public present included Bill Lyon, Chris & Debbie White, Bonnie Pemberton, Rebecca Trower, Bill Croney, Steven Clough, Dick Brockway, Mike Kerin, Carolyn Fernandez, Robert Duprey, John & Paula Gleason, and Kathleen Lott.

Approval of Minutes

A motion to approve the minutes for the September 27, 2007 Hearing was made by Aseltine and seconded by Donahue. **The motion passed 5-0-0.**

The Hearing began at 7:05 pm.

Chairman Landers stated the following:

1. All meetings of the Board of Adjustment shall be open to the Public.
2. The Officers of the Board of Adjustment may administer oaths to the witnesses.
3. All witnesses will be "Interested Persons" to the appellant. "Interested Persons" are owners of property abutting that of the appellant.
4. All testimony by "Interested Persons" and materials shall be germane to any issue under appeal.
5. All Hearings shall be open to the public and the rules of evidence at such hearings shall be the same as set forth in Title 3§810.
 - a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in superior courts of this state shall be followed.
6. The Board of Adjustment shall render its decisions, which shall include "Findings of Facts".

Hearing 071025-1: Thomas Marotta requested a variance under Section 703 to divide a single family residence located at 204 Cross Street into a duplex. Smith recused himself, citing the fact that he has represented Mr. Marotta. Neighbors present expressed concerns with the proposal, asserting that the neighborhood consists primarily of single family homes, that the property at 204 Cross Street is a very small house with a very small yard, and that they do not want the property converted to two very small rental units. Hoffman observed that the Board lacked good information on the size of the lot, because the grand list shows 0.13 acres, the ZA's GIS calculations yielded 0.34 acres, and Mr. Marotta thought that an unrecorded survey showed the lot with "just under" 0.50 acres. Aseltine moved to recess the hearing until the next regular meeting of the Board; Donahue seconded the motion. **The motion passed 4-0-1.** The Board instructed Marotta to have the property surveyed, and noted that the parcel must consist of more than half an acre in order for the proposal to be approved.

Hearing 071025-2: The Village of Northfield requested Conditional Use Approval under Section 603 to construct a pole barn at the municipal well field. Donahue moved to approve the request; Aseltine seconded the motion. **The motion passed 5-0-0.**

Hearing 071025-3: Stacy Sanders requested a variance and conditional use approval under Section 703 to construct an enclosed porch and a bulkhead entrance closer to the street than the by-laws allow, on a pre-existing, non-conforming lot at 29 Traverse Street. Smith moved to approve the request; Hoffman seconded the motion. **The motion passed 5-0-0.**

Hearing 071025-4: John and Paula Gleason requested a variance under Section 702 to construct a rear entrance deck on their home at 309 South Main Street closer to the street than the by-laws allow. Aseltine moved to approve the request; Hoffman seconded the motion. **The motion passed 5-0-0.**

Hearing 071025-5: Northfield School District requested Conditional Use approval under Section 703 to construct an access road, parking area, and recreational field on their property on Garvey Hill Road. Landers informed the audience that the Board would approve the project, and would not change anything that the Planning Commission had done unless they heard some new information.

Mr. Kerin expressed that the project should be considered recreation, and therefore ought to be regulated under Section 706 of the Zoning Regulations, which requires 200-foot setbacks. Landers responded that the property is in Zone 703, in which Schools are a Conditional Use, and these are the school's recreational fields, which are a normal aspect of a school facility. Ms. Lott cited Section 4414 of the state statute relating to Conditional Use review, in which the ZBA is directed to consider whether the project would have an adverse effect on the neighborhood. She questioned whether the additional parking would be sufficient to maintain traffic safety, and asserted that the project will have an adverse effect. Mr. Diebold, representing the proposal, stated that the project has met all of the conditions imposed by the Planning Commission, including having the Village Board of Trustees pass an ordinance to restrict parking to one side of the road. Ms. Clifford talked about the dangerous traffic conditions she feels are present in the area. Ms. Pemberton asked who would maintain the fields. Mr. Gleason expressed support for the project, noting that Northfield needs more playing fields and that the Planning Commission has done a good job. Mr. Brockway noted that the traffic problem has existed since the school was built. Ms. Trower observed that the Planning Commission's conditions address the concerns stated by the neighbors.

Landers moved to assign Exhibits to this Hearing:

- Exhibit A: Planning Commission meeting minutes of July 9, 2007 and July 23, 2007
- Exhibit B: Email from James & Ingrid Wilson to Michele Braun, 10/22/07
- Exhibit C: Letter from Bill Marcinkowski & Andrea Melville to Michele Braun, 10/25/07

Hoffman seconded the motion. **The motion passed 5-0-0.**

Smith moved to approve the request as presented; Hoffman seconded the motion. **The motion passed 5-0-0.**

Hearing 071025-6: Larry Drown requested Conditional Use approval under Section 705 to place a work trailer on his property at 11 Wall Street for use as an office and meeting facility.

Landers recused himself due to being an adjacent property owner.

Aseltine moved to deny the request for Conditional Use Approval on the basis that the lot(s) appear(s) to be subject to a restraining order, and no permits should be granted until the court case is resolved; Hoffman seconded the motion.

Smith moved amend the motion to include an instruction to the Zoning Administrator to write a letter to CV Properties and to the Washington County Superior Court noting that there may be a violation of the court's restraining order. Hoffman seconded the motion. **The motion to amend passed 4-0-0.**

The motion as amended passed 4-0-0.

Adjournment:

Aseltine moved to close the Hearing, Smith seconded the motion. **The motion passed 4-0-0.**

These minutes are subject to approval at the next regular meeting; however, they are substantially correct.